

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STEPHANIE OSHEL,

Plaintiff,

vs.

Civ. No. 09-764 JEC/RHS

BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF SANTA FE, New Mexico,
FRANK LOVATO, TERRY BURKS,
GREG PARRISH, ANNABELLE ROMERO,
BILLY MERRIFIELD, ROBERT APODACA,
CURTIS YOUNG, ERNIE SAUCEDO,
SHERRIE LOPEZ, JESSICA VALCEZ,
and ROMAN ABEYTA, in their official
capacities and individually,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL
RULE 30(B)(6) DISCOVERY AGAINST COUNTY DEFENDANT
AND TO EXTEND DISCOVERY DEADLINES**

THIS MATTER comes before the Court on Plaintiff's Motion to Compel Rule 30(B)(6) Discovery Against County Defendant and to Extend Discovery Deadlines [docket no. 86]. The Court has now considered the Motion together with County of Santa Fe's Response (docket no. 96) and Plaintiff's Reply (docket no. 97) as well as all of the pleadings on file in the above-captioned cause and hereby concludes that the Motion is not well-taken and should be denied.

This discovery dispute arose over the circumstances surrounding the Rule 30(B)(6) scheduled for Friday, November 5, 2010. Plaintiff was attempting to conduct a Rule 30(B)(6) deposition relative to (1) the sexual harassment and pornography investigations conducted at the Youth Diagnostic Facility during calendar years 2004 through 2008; (2) the remedial measures

the County took to remedy any issues of pornography or sexual harassment at the Youth Detention Facility at the same time; (3) the policy, rules, regulations used to terminate her, and (4) the other incidents of ARC program mis-supervision of youth detainees and probationary participants during years 2007 and 2008. At the deposition, the County produced Defendant Annabelle Romero to testify as to all issues. Counsel for the County did not receive the notices of depositions, however, despite this lack of notice, accommodated Plaintiff by making Defendant Annabelle Romero available. A dispute arose as to Ms. Romero's ability to testify on the subject matter presented and her lack of sufficient time to prepare for the deposition. While this dispute was simmering, the Court entered an Order extending discovery until January 31, 2011 (docket no. 94). At this time, it appears that Plaintiff will notice Mr. Parrish and Mr. Young for deposition. These notices are timely as discovery has been extended. The Court cannot determine that there remains any contested issue relative to the Motion and the Motion is therefore moot.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel Rule 30(B)(6) Discovery Against County Defendant and to Extend Discovery Deadlines [docket no. 86] is hereby denied and each party is to pay their respective attorney's fees and costs herein.

Robert Hayes Scott
ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE